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Attorneys for Defendant

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

TRACY McNEAL,)	CIVIL NO. C 08-00138 JL
Plaintiff,)	
v.)	STIPULATION AND PROPOSED ORDER
)	AWARDING ATTORNEY'S FEES PURSUANT
MICHAEL J. ASTRUE,)	TO THE EQUAL ACCESS TO JUSTICE ACT
Commissioner of)	(EAJA), 28 U.S.C. § 2412
Social Security,)	
Defendant.)	

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff's counsel, as Plaintiff's assignee, be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of SIX THOUSAND dollars and 00 cents (\$6,000.00). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA. Payment of SIX THOUSAND dollars and 00 cents (\$6,000.00) in EAJA attorney fees,

shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to EAJA fees in connection with this action. Any payment shall be made payable to Plaintiff's counsel as Plaintiff's assignee and delivered to Plaintiff's counsel.

This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.

Pursuant to General Order 45, § X.B, and the instructions regarding signatures on this Court's internet web site (<https://ecf.cand.uscourts.gov/cand/faq/general/signatures.htm>), I, the undersigned Leo R. Montenegro, hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this efiled document.

DATE: 10/2/09

/s/ Tom Weathered
(as authorized by fax October 2, 2009)
TOM WEATHERED
Attorney at Law

Attorney for Plaintiff

DATE: 10/2/09

JOSEPH P. RUSSONIELLO
United States Attorney
LUCILLE GONZALES MEIS
Regional Chief Counsel, Region IX


By: /s/ Leo R. Montenegro
LEO R. MONTENEGRO
Special Assistant U.S. Attorney

Attorneys for Defendant

~~PROPOSED~~ ORDER

APPROVED AND SO ORDERED.

DATED: October 5, 2009


JAMES LARSEN
UNITED STATES DISTRICT JUDGE